

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT A. ALLEN, : **Civil No. 1:15-cv-0022**
Petitioner, :
v. :
SUPER. OF SCI DALLAS, et al., : **Judge Sylvia H. Rambo**
Defendants. : **Magistrate Judge Saporito**

O R D E R

Presently before the court is a report and recommendation of the magistrate judge (Doc. 13) in which he recommends that Petitioner Robert Allen's petition (Doc. 1) be dismissed with prejudice as procedurally defaulted. Objections were due on August 2, 2017, but to date, no objections have been filed.

After careful consideration of the report and recommendation and the applicable law, **IT IS HEREBY ORDERED AS FOLLOWS:**

1. The report and recommendation of the magistrate judge is **ADOPTED**;
2. The petition is **DENIED** and **DISMISSED WITH PREJUDICE** as procedurally defaulted.
3. The court declines to issue a certificate of appealability.
4. Any appeal taken from this order is deemed frivolous and not in good faith.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: August 28, 2017